



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

January 18, 1990

Honorable Jerald Larry
Texas House of Representatives
P. O. Box 2910
Austin, Texas 78768-2910

LO-90-5

Dear Representative Larry:

You ask whether the Alcoholic Beverage Commission has rulemaking authority. Section 5.31 of the Alcoholic Beverage Code provides that the commission may prescribe and publish rules necessary to carry out the provisions of the Alcoholic Beverage Code. Thus, the commission has clear rulemaking authority. Whether any particular rule is within the scope of the commission's authority is a question of fact.

Yours very truly,

A handwritten signature in cursive script, reading "Sarah Woelk".

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/lcd

Ref.: ID# 8610

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